

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

**CONCERNED CITIZENS FOR
NUCLEAR SAFETY, INC. et al.,**

Plaintiffs,

v.

CIV. No. 94-1039 JP

**UNITED STATES DEPARTMENT OF
ENERGY and SIEGFRIED S. HECKER,**

Defendants.


MEMORANDUM OPINION AND ORDER

On December 2, 1998, Plaintiff Concerned Citizens for Nuclear Safety filed its Motion for Order to Modify and Enforce the Consent Decree and Supplemental Consent Decree (Doc. No. 97). At an evidentiary hearing held January 29, 1999, Matthew Ortiz represented the Plaintiff and Alan Greenberg, John Zavitz, Lisa Cummings, Eileen MacDonough, and Jonathan Hewes represented the Defendants.

At the hearing I stated that Plaintiff had put forth insufficient evidence in support of its claim that Defendant Department of Energy had violated Paragraph 6.3 of the Consent Decree with respect to the operation of NEWNET. Consequently, that portion of the motion requesting enforcement of Paragraph 6.3 of the Consent Decree should be denied.

With respect to Plaintiff's motion to modify the consent decree, I referred the case to United States Magistrate Judge DeGiacomo for a settlement conference.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Order to Modify and Enforce the Consent Decree and Supplemental Consent Decree (Doc. No. 97) is DENIED IN PART with respect to Plaintiff's request for enforcement of Paragraph 6.3 of the Consent Decree.


UNITED STATES DISTRICT JUDGE